

### REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on December 1, 2006. No fee is due with this Amendment. The Director is authorized to charge any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-514 on the account statement.

Claims 1-20 are pending in this application. Claims 1-20 are rejected under 35 U.S.C. §112, second paragraph. Claims 1-20 are rejected under 35 U.S.C. §102(b). In response, Claims 1, 10, 17 and 19 have been amended. These amendments do not add new matter. In view of the amendments, and/or for the reasons set forth below, Applicants respectfully request that the rejections be withdrawn.

In the Office Action, Claims 1-20 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. In response, Claims 1, 10, 17 and 19 have been amended to clarify and maintain consistency throughout the Claims. Specifically, independent Claim 1 has been amended to recite, in part, a heating attachment for improving uniformity of microwave heating of a food product in a container, comprising a shield of microwave-reflective material and a cradle configured for attaching the shield to the container in an operative association in which the container is disposed in a heating space surrounded by the shield such that the shield improves the uniformity of microwave heating of a food product within the container. This amendment is supported in the specification at, for example, page 7, lines 19-27. In view of this amendment to independent Claim 1, Applicants respectfully submit that Claim 11 is now provided with proper antecedent basis for "the cradle." Claim 17 has been amended to recite, in part, a heating assembly, comprising a heating attachment and a container. This amendment is supported in the specification at, for example, page 9, lines 5-9. In view of the amendment to Claim 17, Applicants respectfully submit that Claims 18-20 are now provided with sufficient antecedent basis for "the heating assembly." Claims 3, 5-7, 9-11 and 15-18 are rejected for reciting the limitation "the container." However, Applicants respectfully submit that proper antecedent basis for "the container" is provided in Claim 1, which Claims 3, 5-7, 9-11 and 15-16 depend from and further limit. Similarly, proper antecedent basis for "the container" is provided

in Claim 17, which Claims 18-20 depend from and further limit. Applicants respectfully submit that the skilled artisan would recognize which “container” Applicants are referring to since the “container” is explicitly defined in Claims 1 and 17. With respect to Claim 14, Applicants respectfully submit that one having ordinary skill in the art would know that the “bottom side” of the heating space refers to the horizontal flat plane that lies on top of the flat plane of the stable base formed by the cradle portions spread in an X-shape in the open cradle position, as shown by Figures 5 and 7. See, also, specification, page 8, lines 2-6.

Based on at least these noted reasons, Applicants believe that Claims 1-20 fully comply with 35 U.S.C. §112, second paragraph.

Accordingly, Applicants respectfully request that the rejection of Claims 1-20 under 35 U.S.C. §112 be withdrawn.

Claim 1 recites, in part, a heating attachment for improving uniformity of microwave heating of a food product in a container, comprising a shield of microwave-reflective material and a cradle configured for attaching the shield to the container in an operative association in which the container is disposed in a heating space surrounded by the shield such that the shield improves the uniformity of microwave heating of a food product within the container, the heating attachment sufficiently surrounding the container in the operative association to capture the container for promoting breakage of the heating attachment when the container is removed therefrom.

Claim 17 recites, in part, a heating assembly, comprising a heating attachment and a container, the heating attachment comprising a shield of microwave-reflective material and a cradle configured for attaching the shield to the container in an operative association in which the container is disposed in a heating space surrounded by the shield such that the shield improves the uniformity of microwave heating of a food product within the container, the heating attachment sufficiently surrounding the container in the operative association to capture the container for promoting breakage of the heating attachment when the container is removed therefrom.

In the Office Action, Claims 1-4, 9, and 11-19 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,416,304 to De La Cruz et al. (“De La Cruz”). Applicants respectfully disagree with and traverse this rejection for at least the reasons set forth below.

*De La Cruz* fails to disclose or suggest a heating attachment comprising a cradle configured for attaching a shield of microwave-reflective material to a container as required, in part, by Claims 1 and 17. *De La Cruz* further fails to disclose or suggest that the heating attachment sufficiently surrounds the container in operative association to capture the container for promoting breakage of the heating attachment when the container is removed therefrom. Instead, *De La Cruz* is directed toward a microwave reflective device wherein the microwave-reflective material is disposed about the periphery of the food item within the microwave oven cavity. See, *De La Cruz*, col. 2, lines 63-66. More specifically, the microwave-reflective material may be laminated to an interior cardboard sidewall of a container so that the food item may be heated in a microwave oven cavity. See, *De La Cruz*, col. 5, lines 4-9. As such, the device in *De La Cruz* does not suggest a heating attachment comprising a cradle for attaching a shield of microwave-reflective material to a container, but rather discloses a container that comprises microwave-reflective material.

For at least these reasons, Applicants respectfully submit that *De La Cruz* does not teach, suggest, or even disclose all of the elements of Claims 1-4, 9 and 11-19 and thus, fails to anticipate the claimed subject matter.

In the Office Action, Claims 1, 3-5, 7-11 and 14-20 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent no. 4,763,790 to McGeehins ("*McGeehins*"). Applicants respectfully disagree with and traverse this rejection for at least the reasons set forth below.

*McGeehins* fails to disclose or suggest a heating attachment comprising a cradle configured for attaching a shield of microwave-reflective material to a container as required, in part, by Claims 1 and 17. *McGeehins* further fails to disclose or suggest that the heating attachment sufficiently surrounds the container in operative association to capture the container for promoting breakage of the heating attachment when the container is removed therefrom. Instead, *McGeehins* is directed toward a heat treatable container provided with a skirt that covers those areas of the tray subjected to heat radiation when the tray is placed under a grill for grilling the products. See, *McGeehins*, Abstract. In *McGeehins*, the skirt is simply placed over a container of food so as to surround the peripheral walls of the container and the top edges of the skirt are folded over the container. Alternatively, the cradle of the present claims receives a container into an interior recess that is defined by base portions, side members and cradle

portions. Further, the skirt of *McGeehins* does not capture a container so as to promote breakage of the skirt upon removal of the container therefrom. Instead, the top edges of the skirt may simply be unfolded to remove the container.

For at least these reasons, Applicants respectfully submit that *McGeehins* does not teach, suggest, or even disclose all of the elements of Claims 1, 3-5, 7-11 and 14-20 and thus, fails to anticipate the claimed subject matter.

In the Office Action, Claims 1, 3-1 and 19-20 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,247,49 to Peleg ("*Peleg*"). Applicants respectfully disagree with and traverse this rejection for at least the reasons set forth below.

*Peleg* fails to disclose or suggest a heating attachment comprising a cradle configured for attaching a shield of microwave-reflective material to a container as required, in part, by Claims 1 and 17. *Peleg* further fails to disclose or suggest that the heating attachment sufficiently surrounds the container in operative association to capture the container for promoting breakage of the heating attachment when the container is removed therefrom. Instead, *Peleg* is directed toward an appliance for cooking a frozen pizza pie that comprises a microwave susceptor component. The appliance includes a tray-like receptacle formed of a microwave susceptor sheet for supporting a layer of dough for the pizza and a susceptor ring. See, *Peleg*, col. 3, lines 12-18. In *Peleg*, the pizza pie is heated directly on top of the susceptor sheet and not contained in an additional container while heated. In fact, *Peleg* specifically teaches that heating a pizza in a container is extremely disadvantageous. See, *Peleg*, col. 4, lines 8-12. Similarly, *Peleg* does not disclose a heating attachment comprising a cradle where the heating attachment sufficiently surrounds the container so as to capture the container for promoting breakage of the heating attachment. Instead, *Peleg* discloses that projecting heat tabs of the tray-like receptacle can be easily and rapidly bent into position. See, *Peleg*, col. 5, lines 10-15.

For at least these reasons, Applicants respectfully submit that *Peleg* does not teach, suggest, or even disclose all of the elements of Claims 1, 3-11 and 19-20 and thus, fails to anticipate the claimed subject matter.

In the Office Action Claims 1-20 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application No. 2003/0189042 to Zhang et al. ("*Zhang*"). Applicants respectfully disagree with and traverse this rejection for at least the reasons set forth below.

*Zhang* fails to disclose or suggest a heating attachment that sufficiently surrounds a container in operative association to capture the container for promoting breakage of the heating attachment when the container is removed therefrom as is required, in part, by Claims 1 and 17. Instead, *Zhang* is directed toward a container for receiving and reheating food in a microwave oven. See, *Zhang*, Abstract. Although *Zhang* discloses a supporting stand comprising a reflective material to nest a container during heating, the stand is arranged to snugly engage the container and nest the container in a "removeable" manner. See, *Zhang*, page 4, [0055]. As such, *Zhang* fails to disclose a heating attachment that sufficiently surrounds a container in operative association to capture the container for promoting breakage of the heating attachment when the container is removed.

For at least these reasons, Applicants respectfully submit that *Zhang* does not teach, suggest, or even disclose all of the elements of Claims 1-20 and thus, fails to anticipate the claimed subject matter.

In the Office Action, Claims 1-20 have been rejected under the judicially created doctrine of obviousness-type double patenting over Claims 17-20 of U.S. Patent No. 6,777,655. Submitted with this response is a Terminal Disclaimer disclaiming the terminal part of any patent granted on the pending application extending beyond the expiration date of the following U.S. Patent No. 6,777,655.

Accordingly, Applicants respectfully request that the provisional rejection of Claims 1-20 under obviousness-type double patenting be withdrawn.

Respectfully submitted,

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Dated: March 1, 2007